

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARIO BAILEY,

Plaintiff,

Case No. 1:22-cv-789

v.

Honorable Ray Kent

ANTHONY SOTO et al.,

Defendants.

ORDER OF TRANSFER

This is a civil rights action brought by a prisoner under 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Essex County Correctional Facility in Newark, Essex County, New Jersey. The events giving rise to Plaintiff's action occurred at the Essex County-Delaney Hall Detention Facility, also located in Newark, Essex County, New Jersey. Plaintiff sues Anthony Soto, Director of Delaney Hall; Unknown "Mr. Hooper," Unknown "1st Shift Supervisor"; Unknown "2nd Shift Supervisor"; and Unknown "3rd Shift Supervisor". In his *pro se* complaint, Plaintiff presents claims regarding events that occurred during his incarceration in New Jersey.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events underlying the complaint occurred in New Jersey. Defendants are public officials serving in New Jersey, and they "reside" there for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). In these circumstances, venue is proper only in the District of New Jersey. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the District of New Jersey pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

Dated: September 21, 2022

/s/ Ray Kent

Ray Kent

United States Magistrate Judge